

REMARKS

Claims 1-6 were examined and reported in the Office Action. Claims 1-4 and 6 are rejected. Claim 7 is added. Claims 1-7 remain.

Applicant requests reconsideration of the application in view of the following remarks.

I. 35 U.S.C. §102(b), (e)

A. It is asserted in the Office Action that claims 1-3 and 6 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,635,288 issued to Stadius ("Stadius"). Applicant respectfully disagrees.

According to MPEP §2131, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' (Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). 'The identical invention must be shown in as complete detail as is contained in the ... claim.' (Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, i.e., identity of terminology is not required. (In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990))."

Applicant's claim 1 contains the limitations of "[a]n intelligent control platform for routing, switching and mixing audio/visual signals, comprising: a plurality of input ports configured to define particular ones of a multiplicity of program sources; a plurality of output ports; a control processor; a plurality of selectable operational mode selection controls; and an adaptively configurable switch fabric, wherein the switch fabric defines particular ones of a multiplicity of operational signal interconnects in operative response to selection of a corresponding one of the selectable operational modes."

Applicant's claim 2 contains the limitations of "[a]n intelligent control platform for routing, switching and mixing audio/visual signals, comprising: a plurality of input ports, each input port configured to define particular ones of a multiplicity of program sources, each input port receiving program signals from a corresponding program source; a plurality of output ports, each output port configured to define particular ones of a multiplicity of destinations, each output port providing program signals to each corresponding destination; and an adaptively configurable program signal matrix circuit, coupled to receive program signals from each input port and to provide program signals to each output port, the particular input and output ports selected in accordance with a mode select circuit, the mode select circuit adaptively configuring the matrix to pass program signals along a default signal path devised to route the signal solely from the source to the destination while disabling any potential feedback signal paths."

In other words Applicant's claimed invention allows for the routing, switching and mixing of audio and video signals in an audio/video system where the program source devices are routed to external destination devices according to specific needs, thus preventing manual reconnections and feedback damage.

Stadius discloses an audio mixing device for assigning audio channels, routing audio input channels to audio output channels and conditioning audio input channels. Stadius, however, does not disclose, teach or suggest mixing, assigning or routing of video signals. In fact, nowhere in Stadius is the term "video" used. It is clear that the device disclosed in Stadius does not have the capability, nor is it designed for the same purpose as Applicant's claimed invention. Moreover, Stadius does not teach, disclose or suggest "the switch fabric defines particular ones of a multiplicity of operational signal interconnects in operative response to selection of a corresponding one of the selectable operational modes," or "the mode select circuit adaptively configuring the matrix to pass program signals along a default signal path devised to route the signal solely from the source to the destination while disabling any potential feedback signal paths."

Therefore, since Stadius does not disclose, teach or suggest all of Applicant's amended claims 1 and 2 limitations, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(b) has not been adequately set forth relative to Stadius.

Thus, Applicant's claims 1 and 2 are not anticipated by Stadius. Additionally, the claims that depend directly or indirectly on claim 2, namely claims 3 -6, are also not anticipated by Stadius for the above same reason.

Accordingly, withdrawal of the 35 U.S.C. §102(b) rejection for claims 1-3 and 6 is respectfully requested.

B. It is asserted in the Office Action that claims 1-2 and 4 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,896,459 issued to Williams, Jr. ("Williams"). Applicant respectfully disagrees.

Williams discloses an audio mixer that provides separate dry, return effects and main audio mixes. Williams, however, does not disclose, teach or suggest mixing, assigning or routing of video signals. In fact, nowhere in Williams is the term "video" used. It is clear that the device disclosed in Williams does not have the capability, nor is it designed for the same purpose as Applicant's claimed invention. Moreover, Williams does not teach, disclose or suggest "the switch fabric defines particular ones of a multiplicity of operational signal interconnects in operative response to selection of a corresponding one of the selectable operational modes," or "the mode select circuit adaptively configuring the matrix to pass program signals along a default signal path devised to route the signal solely from the source to the destination while disabling any potential feedback signal paths."

Therefore, since Williams does not disclose, teach or suggest all of Applicant's amended claims 1 and 2 limitations, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(e) has not been adequately set forth relative to Williams. Thus, Applicant's claims 1 and 2 are not anticipated by Williams. Additionally, the claim that depends directly on claim 2, namely claim 4, is also not anticipated by Williams for the above same reason.

Accordingly, withdrawal of the 35 U.S.C. §102(e) rejection for claims 1-2 and 4 is respectfully requested.

II. Allowable Subject Matter

Applicant notes with appreciation that the Examiner asserted in the Office Action that claim 5 would be allowable if rewritten in independent form including the base claim. Applicant has added new claim 7, which includes the limitations of claim 5 and the intervening and base claim.

Applicant respectfully asserts that claims 1-7, as it now stands, are allowable for the reasons given above.

CONCLUSION

In view of the foregoing, it is submitted that claims 1-7 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.


If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

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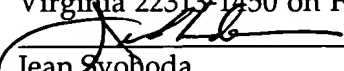
Dated: February 17, 2004

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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Mail Stop Non-Fee Amendments, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on February 17, 2004.


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